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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,344	02/14/2002	Egon Schulz	071308.0953 (1999P01486WO)	7966
31625 7590 08/28/2008 BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			EXAMINER MILLER, BRANDON J	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/937,344	Applicant(s) SCHULZ, EGON	
	Examiner BRANDON J. MILLER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Remarks

Disposition of Claims

- I. Claims 1-8 remain pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- II. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raitola et al. (US 6,317,418 B1) in view of Gorsuch et al. (US 6,388,999 B1).

Regarding claim 1 Raitola teaches a method for assigning channels for radio transmission between a subscriber station and a base station of a radio communication system (see col. 5, lines 20-23 and col. 11, lines 1-3). Raitola teaches assigning a plurality of channel resources to one subscriber station for one transmission direction via a common channel description transmitted to the subscriber station (see col. 10, lines 63-67). Raitola teaches a channel description that includes information about utilization of the channel resources during the radio transmission, which specifies an order of the transmission of data for the one transmission direction (see col. 11, lines 1-3). Raitola does not specifically teach wherein the channel resources each having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles. Gorsuch teaches channel resources having at least one of different spread-

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spectrum codes, different code groups, different frequencies and different mid-ambles (see col. 6, lines 7-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Raitola adapt to include wherein the channel resources each having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles because both references teach methods for determining how to allocate channels for data transmission (see Raitola, col. 5, lines 20-23 and col. 11, lines 1-3 and Gorsuch, col. 3, lines 62-66) and for systems using CDMA the data transmissions are encoded with one of a number of different assignable codes.

Regarding claim 2 Raitola teaches utilization of channel resources that is specified by the order of the information on each of the channel resources within the channel description (see col. 11, lines 1-3).

Regarding claim 3 Gorsuch teaches utilization of channel resources specified by information relating to at least one of timeslots assigned, to spread-spectrum codes, and to assigned frequencies (see col. 6, lines 8-15).

Regarding claim 4 Raitola and Gorsuch teach a device as recited in claim 1 except for sending a coherent channel description as a message from the base station to the subscriber station, wherein an uplink and downlink channel are described one after another. Raitola does teach sending coherent channel descriptions, wherein channels are described one after another (see col. 10, lines 65-67). Gorsuch does teach sending coherent channel assignment information from the base station to the subscriber station, wherein an uplink channel and a downlink channel are described one after the other (see col. 7, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include

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sending a coherent channel description as a message from the base station to the subscriber station, wherein an uplink and downlink channel are described one after another because this would allow for a more efficient method of channel allocation that compensates for expansion and contraction of data traffic loading.

Regarding claim 5 Raitola and Gorsuch teach a device as recited in claim 1 except for sending an uplink channel and a downlink channel as separate messages from the base station to the subscriber station. Gorsuch does teach sending an uplink channel and a downlink channel as separate communications from the base station to the subscriber station (see col. 5, lines 26-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending an uplink channel and a downlink channel as separate messages from the base station to the subscriber station because this would allow for a more efficient method of channel allocation that compensates for expansion and contraction of data traffic loading.

Regarding claim 6 Raitola and Gorsuch teach a device as recited in claim 1 except for sending an uplink channel and a downlink channel in a common channel description as a message, the message having a flag indicating parts of the description which relate to the uplink channel and to the downlink channel. Raitola does teach sending coherent channel descriptions (see col. 10, lines 65-67). Gorsuch does teach an urgency factor indicating the need to transmit data and based upon the urgency factor sending an uplink and a downlink channel description (see col. 7, lines 34-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending an uplink channel and a downlink channel in a common channel description as a message, the message having a flag

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indicating parts of the description which relate to the uplink channel and to the downlink channel because this would allow for a more efficient method of channel allocation that compensates for expansion and contraction of data traffic loading.

Regarding claim 7 Raitola teaches wherein a case where one channel is changed, the description of this channel is sent (see col. 11, line 1 and col. 12, lines 1-3).

Regarding claim 8 Raitola teaches a base station for a radio communication system comprising a facility to assign channels for a radio transmission with one subscriber station for one transmission direction (see col. 5, lines 20-23 and col. 11, lines 1-3). Raitola teaches wherein the facility transmits a common channel description to the subscriber station for assigning a plurality of channel resources for the radio transmission (see col. 10, lines 63-67). Raitola teaches wherein the facility generates a channel description that includes information about utilization of the channel resources during the radio transmission, which specifies an order of the transmission of data for the one transmission direction (see col. 11, lines 1-3). Raitola does not specifically teach wherein the channel resources have at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles. Gorsuch teaches channel resources having at least one of different spread-spectrum codes, different code groups, different frequencies and different mid-ambles (see col. 6, lines 7-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Raitola adapt to include wherein the channel resources have at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles because both references teach methods for determining how to allocate channels for data transmission (see Raitola, col. 5, lines 20-23 and col. 11, lines 1-3 and Gorsuch, col. 3, lines 62-

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66) and for systems using CDMA the data transmissions are encoded with one of a number of different assignable codes.

Response to Arguments

III. Applicant's arguments filed 4/16/2008 have been fully considered but they are not persuasive.

Regarding claims 1-8 the combination of Raitola and Gorsuch teach a device as claimed. Applicant's arguments suggest the claimed "one transmission direction", which the channel description specifies the order of transmission for, is a specific transmission direction that is not taught or suggested by the prior art. However, the claims do not recite a specific transmission direction that the channel description specifies the order of transmission for and given its broadest reasonable interpretation the claimed "one transmission direction" can include any transmission direction.

Furthermore, applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims is patentably distinguishable from the cited portions of the references.

IV. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

August 22, 2008

/Brandon J Miller/
Examiner, Art Unit 2617